

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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<b>TOMEKA WINSTON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 08-2059-STA-dkv</b>
	)	
<b>CARGILL, INC., and</b>	)	
<b>SMITH-DOYLE CONTRACTORS,</b>	)	
	)	
<b>Defendants.</b>	)	

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**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION DENYING DEFENDANT SMITH DOYLE'S MOTION TO  
DISMISS AS A DISCOVERY SANCTION AND GRANTING IN PART DEFENDANT'S  
MOTION TO COMPEL AND FOR SANCTIONS**

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Pursuant to an order of reference, United States Magistrate Judge Dianne K. Vescovo entered her Report and Recommendation Denying Defendant Smith Doyle Contractors' Motion to Dismiss as a Discovery Sanction and Granting in Part Defendant's Motion to Compel and for Sanctions (D.E. # 73) filed on June 25, 2009. The parties have not filed objections to the Report and Recommendation. The Court hereby adopts the Magistrate Judge's Report and Recommendation pursuant to Fed. R. Civ. P. 72(b)(3). Consistent with the Report and Recommendation, Defendant's Motion to Dismiss as a Discovery Sanction is **DENIED** and Defendant's Motion to Compel and for Sanctions is **GRANTED IN PART**.

**IT IS SO ORDERED.**

**s/ S. Thomas Anderson**  
S. THOMAS ANDERSON  
UNITED STATES DISTRICT JUDGE

Date: July 13, 2009